

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TINA BERTUBIN-LENDER,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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Cause No: 4:22-cv-01072

PLAINTIFF'S MOTION WITH CONSENT OF DEFENDANT
FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF
DEFENDANT UNITED STATES OF AMERICA

COMES NOW Plaintiff in accordance with Rule 41 (a) (2) and for her Motion for Voluntary Dismissal Without Prejudice of Defendant United States of America, states as follows:

1. Plaintiff desires, after conferring with Defendant's counsel, to voluntarily dismiss her cause of action without prejudice against the Defendant due to a Stipulation of Parties being signed in the state court action arising from the occurrence.

2. The Defendant has consented to the Plaintiff's Voluntary Dismissal of Defendant United States of America.

3. Rule 41 (a) (2) of the Federal Rules of Civil Procedure provides for Plaintiff filing a voluntary dismissal without prejudice of a party by Court Order.

WHEREFORE, Plaintiff prays that this Court grant her Motion for Voluntary Dismissal of Defendant United States of America without prejudice, at Plaintiff's costs, and for any further orders the Court deems just and proper in the circumstances.

/s/ Marc S. Wallis

MARC S. WALLIS Bar #32765MO

MARK I. BRONSON Bar #23183MO

NEWMAN BRONSON & WALLIS

2300 West Port Plaza Drive

St. Louis, MO 63146-3213

(314) 878-8200

FAX (314) 878-7839

mwallis@newmanbronson.com

danielle@newmanbronson.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon all attorneys of record via the Court's electronic filing system on the 10th day of January 2023

/s/ Marc S. Wallis